

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:	:	CASE NO.: 19-35352-cgm
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John A Lopez,	:	CHAPTER: 13
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Debtor.	:	HON. JUDGE.: Cecelia G. Morris
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ORDER CONDITIONALLY GRANTING RELIEF
FROM THE AUTOMATIC STAY

Upon the Motion of Rushmore Loan Management Services, LLC as servicer for U.S. Bank Trust National Association, as Trustee of the LB-Cabana Series IV Trust (“Rushmore”), dated February 20, 2023, with exhibits attached thereto, submitted in support of said application, with proof of service upon the Trustee, Debtor, Co-Debtor, Debtor’s Attorney, and U.S. Trustee;

Upon the transfer of the loan that is the subject of said Motion from Rushmore to SN Servicing Corporation as servicer for U.S. Bank Trust National Association, as Trustee of the LB-Cabana Series IV Trust (together with any successor or assign, “Movant”); and

NOW, upon the motion of Friedman Vartolo, LLP attorneys for Movant, upon the consent of the Debtor and Debtor’s Attorney, it is hereby:

ORDERED, that the motion of Movant is conditionally granted as set forth below, and it is further

ORDERED, that on or before June 15, 2024, the Debtor shall pay Movant all post-petition arrear on her mortgage; such payments to include principal, interest, escrow advances and reasonable attorney fees in the amount of \$950.00 and costs in the amount of \$188.00 for arrear in the total sum

of \$29,111.48; such sum shall be good through May 31, 2023 and said arrears are broken down as follows:

4 Monthly Payments (8/1/22 – 11/1/22) @ \$2,867.32 each	= \$11,469.28
2 Monthly Payments (12/1/22 – 1/1/23) @ \$3,030.54 each	= \$6,061.08
4 Monthly Payments (2/2/23 – 5/1/23) @ \$2,818.33 each	= \$11,273.32
Reasonable Attorney Fees	= \$950.00
Reasonable Attorney Costs	= \$188.00
Less Suspense	= (\$830.20)
Total	= \$29,111.48;

DUE DATE	AMOUNT
June 15, 2023	\$2,425.96
July 15, 2023	\$2,425.96
August 15, 2023	\$2,425.96
September 15, 2023	\$2,425.96
October 15, 2023	\$2,425.96
November 15, 2023	\$2,425.96
December 15, 2023	\$2,425.96
January 15, 2024	\$2,425.96
February 15, 2024	\$2,425.95
March 15, 2024	\$2,425.95
April 15, 2024	\$2,425.95
June 15, 2024	\$2,425.95;

and said payments shall be in the form of certified funds and mailed to:

SN Servicing Corporation
PO Box 660820-Dallas TX 75266

and it is further,

ORDERED, that in the event the Debtor fails to tender any of the stipulation payments and thereafter fails to cure the default within ten (10) days from the date of service of a written Notice of Default on the Debtor, Co-Debtor, and Debtor's Attorney, the Movant may file an Affirmation of Non-Compliance together with a proposed Order Granting Relief from the Automatic Stay. Upon issuance

of the proposed Order, the Automatic Stay shall be deemed vacated with respect to the Movant, allowing the Movant, its agents, successors and/or assigns in interest to exercise all rights available to it under applicable state law with respect to the real property known as 17 Wayne Court, Middletown, NY 10941, (the “Property”) and the Co-Debtor Stay shall be deemed terminated pursuant to 11 U.S.C. 1301(c) so Movant, its agents, successors and/or assigns in interest may take any and all action under applicable state law to exercise its remedies against the Property; and it is further

ORDERED, that in the event that three (3) Notices of Default have been sent to Debtor and Debtor’s Attorney as a result of three defaults under this Order, the Movant may file an Affirmation of Non-Compliance together with a proposed Order Granting Relief from the Automatic Stay. Upon issuance of the proposed Order, the Automatic Stay shall be deemed vacated with respect to the Movant, allowing the Movant, its agents, successors and/or assigns in interest to exercise all rights available to it under applicable state law to exercise its remedies against the Property and the Co-Debtor Stay shall be deemed terminated pursuant to 11 U.S.C. 1301(c) so Movant, its agents, successors and/or assigns in interest may take any and all action under applicable state law to exercise its remedies against the Property; and it is further

ORDERED, that in the event this case is converted to a case under any other chapter of the U.S. Bankruptcy Code, this Order will remain in full force and effect; and it is further

ORDERED, that the Movant shall promptly report and turn over to the Chapter 13 Trustee any surplus monies realized by any sale of the Property; and it is further

ORDERED that unless specifically provided in loan documents signed by the debtor, the Movant may not collect fees, expenses or other charges associated with a current or subsequent mortgage servicer.

By: /s/ Warren Greher
Warren Greher, Esq., of Counsel
Attorney for Debtor
Zucker Law Offices, P.C.
1161 Little Britain Road
Suite B
New Windsor
New Windsor, NY 12553

Date: May 20, 2023

By: /s/ John A. Lopez

Date: May 19, 2023

By: /s/ Katherine Heidbrink
Katherine Heidbrink, Esq.
Attorney for Movant
Friedman Vartolo LLP
1325 Franklin Avenue Suite 160
Garden City, NY 11530

Date: May 22, 2023

Dated: June 1, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge